

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1287 of 2017

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Damodar Agarawal, Son of Late Ram Pratap Agarawal, Proprietor of M/s Sri Balaji Mini Arwa Rice Mill, Resident of Village-Kara P.S.-District-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar, through District Magistrate, District-Aurangabad.
2. The Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
3. The Bihar State Food & Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Aurangabad, District-Aurangabad.
5. The District Certificate Officer, Aurangabad, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad -AAG-5
		Mr. Vishwambhar Prasad, AC to AAG 5
For the Corporation	:	Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2017

Delay of 14 days in filing of this appeal is condoned.

Interlocutory Application No.6792 of 2017 stands allowed and disposed of.

Having heard learned counsel for the parties, now in view of the fact that an Arbitrator has been appointed to reconsider the dispute between the parties, it is not necessary to go into the various issues involved in the matter. All issues, including objections and counter objections raised by the parties, are kept



open to be considered by the Arbitrator. However, keeping in view the settled principle of law that when an adjudication of dispute in accordance to law before an appropriate forum is pending, coercive recovery should not be permitted, we direct that till the matter is not resolved by the Arbitrator, no coercive action shall be effected against the appellant.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	

